

**Assembly Bill No. 2259**

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Passed the Assembly    August 11, 1998

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*Chief Clerk of the Assembly*

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Passed the Senate    August 6, 1998

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_ day  
of \_\_\_\_\_, 1998, at \_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_

An act to add Section 290.95 to the Penal Code, relating to sex offenders.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2259, Aguiar. Sex offender registration: disclosure.

(1) Existing law requires persons convicted of specified sex offenses to register with local law enforcement agencies upon their discharge, parole, or release from confinement and to update that registration annually or upon a change of residence address, and makes any willful violation of the registration requirements a crime. Existing law authorizes a peace officer to disclose specified information to specified persons and agencies to protect the public, if the officer reasonably suspects that a child or other person may be at risk from a person who is required to register as a sex offender. A law enforcement agency is also authorized to advise the public of the presence in the community of a high-risk sex offender, as defined.

This bill would impose a duty upon every person required to register as a sex offender, who applies or accepts a position as an employee or volunteer with any person, group, or organization, where the registrant would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis, or have supervision or disciplinary power over minor children, to disclose his or her status as a registered sex offender, upon application or acceptance of the position, to that person, group, or organization. Failure to comply with this disclosure requirement would be a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.



This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 290.95 is added to the Penal Code, to read:

290.95. Every person required to register under Section 290, who applies or accepts a position as an employee or volunteer with any person, group, or organization where the registrant would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children, shall disclose his or her status as a registrant, upon application or acceptance of a position, to that person, group, or organization. A violation of this section is a misdemeanor punishable by imprisonment in a county jail for not exceeding six months, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine, and a violation of this section shall not constitute a continuing offense.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

Approved \_\_\_\_\_, 1998

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*Governor*

